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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,240	12/30/2003	Kil-Jae Ahn	11038-165-999	8358
24341	7590	06/26/2006	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			KAPLAN, HAL IRA	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,240

Applicant(s)

AHN, KIL-JAE

Examiner

Hal I. Kaplan

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/28/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. The disclosure is objected to because of the following informalities: Paragraph 16, line 1 contains the word "left". It appears this should be "right" (see Figure 1). Paragraph 18, lines 7-8 state that current from the battery is inputted to the motor along a direction indicated by a solid arrow line. Figure 2 does not show a solid arrow line. Paragraph 18, line 9 contains the phrase "rotated to". It appears this should be "rotated in". Paragraph 26, line 6 contains the phrase "parking stage (P) (30)". It appears this should be "parking stage (P) (S30)". Paragraph 32, line 1 contains the phrase "even if". It appears this should be "if". Paragraph 35, line 9 contains the phrase "during an automobile in operation". It appears this should be "during operation of an automobile". Paragraph 35, line 10 contains the phrase "accident in advance". It appears this should be "accident".

Appropriate correction is required.

3. The specification is objected to under 37 CFR 1.71(a) because it is not sufficiently enabling.

Paragraph 32 states that "if the shift lever is in the parking stage (P), and if the output of the alternator 110 surpasses the established voltage (Vs) (ON), the pedal adjusting safety relay 160 is turned off". This is inconsistent with paragraph 33, which

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states that "if the voltage of the alternator 110 is above the established voltage (Vs) (ON), the pedal adjusting safety relay 160 is turned on ... if ... the shift lever is in the parking stage (P)". One of ordinary skill in the art would be unable to make and/or use the invention because one of ordinary skill would be unable to determine whether, when the output of the alternator 110 is greater than the established voltage (Vs) (ON) and the shift lever is in the parking stage (P), the pedal adjusting safety relay 160 is supposed to turn on or turn off.

### ***Drawings***

4. The drawings are objected to because of the following informalities: Figure 2 does not show the solid arrow line referred to at paragraph 18, line 8. In Figure 3, step S10 contains the word "imitalization". It appears this should be "initialization".

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S30 in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

6. Claim 7 is objected to because of the following informalities: Claim 7 line 2, the phrase "the power control step" lacks proper antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1 and 2 recite the limitation "a pre-set map table". One of ordinary skill in the art would not be able to make and/or use the apparatus because the specification does not define a pre-set map table, and one of ordinary skill would not know what a pre-set map table is. Claim 3 inherits this deficiency.

Claim 4 recites the limitation "applying an operating power to said electric actuator if said parking brake is in a locked state and a shifting stage is ... a parking stage". However, paragraph 32 of the specification states that "if the shift lever is in the parking stage (P) (a shifting stage is a parking stage), and if the output of the alternator

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110 surpasses the established voltage ( $V_s$ ) (ON), the pedal adjusting safety relay 160 is turned off (operating power is not applied to the actuator) (regardless of the state of the parking brake)". Claim 4 states that operating power is applied to the actuator whenever the parking brake is in a locked state and a shifting stage is a parking stage, whereas paragraph 32 states that when the parking brake is in a locked state and a shifting stage is a parking stage, if the output of the alternator surpasses the established voltage, then operating power is not applied to the actuator. One of ordinary skill in the art could not practice the claimed method because one of ordinary skill would not be able to determine if, when the parking brake is in a locked state and a shifting stage is a parking stage, operating power will be applied to the actuator as claimed, or if in addition the output of the alternator must be below the established voltage ( $V_s$ ) (OFF), as recited in the specification (one of ordinary skill would not know whether the output of the alternator being below the established voltage (not ON) is a precondition to applying operating power to the actuator, as implied by paragraph 32 and claim 5, or whether power is always applied whenever the parking brake is in a locked state and a shifting stage is a parking stage (regardless of the output of the alternator), as claimed. For purposes of this Office Action, the Examiner has assumed that the output of the alternator being below the established voltage is not a precondition to applying operating power to the actuator of Claim 4. Claim 5 inherits this deficiency.

Claim 6 recites the limitation "applying an operating power to said electric-actuator if a shifting stage is a parking stage". Paragraph 32, however, states that if a shifting stage is a parking stage, and in addition the output of the alternator surpasses

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the established voltage, then the adjusting safety relay is turned off (operating power is not applied to the actuator). One of ordinary skill in the art would not be able to practice the claimed method because one of ordinary skill would be unable to determine whether, when a shifting stage is a parking stage, the output of the alternator not surpassing the established voltage is a precondition to applying power to the actuator. For purposes of this Office Action, the Examiner has assumed that the output of the alternator not surpassing the established voltage is not a precondition to applying power to the actuator of claim 6. Claim 7 inherits this deficiency.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "to calculate a result thereof". Claim 2 does not recite any formula, algorithm, or other process capable of calculating a result; therefore, it is not clear what is being claimed. Claim 3 inherits this deficiency.

### ***Conclusion***


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents to Kaesgen et al. (5,044,478) and Fukase et al. (6,520,045) disclose similar devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**ROBERT L. DEBERADINIS**  
**PRIMARY EXAMINER**